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Docket No.: 066742-0015

APR 28 2006 PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Applicants: SMITH, et al.

Serial No.: 10/038,509

Filed: January 3, 2002

For: A NOVEL THERAPY FOR ANTIBODY  
MEDiated INFLAMMATORY AUTO-  
IMMUNE DISORDERS

Group Art Unit: 1644

Examiner: Patrick NOLAN

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper or fee is being transmitted to  
the United States Patent and Trademark Office, Via  
Facsimile in accordance with 37 CFR 1.8(e) on the date  
indicated and is being filed on  
(04) 273-0300 on April 28, 2006.



C. M. McGuire

05/02/2006 FFANAEIA 00000002 502624 10038509

01 FC:2453 750.00 DA

PETITION WITHDRAWAL OF HOLDING OF ABANDONMENT

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant notes the Notice of Abandonment issued in the above-identified application. Applicant petitions that the holding of abandonment of the above-identified application as set forth in the decision on the petitions mailed by the Office on December 30, 2004, and re-mailed by the US Patent and Trademark Office on April 13, 2005, be withdrawn.

Abandonment occurred due to the Restriction Requirement dated June 7, 2004 being mailed to the previous attorney of record (Lyon & Lyon L.L.P.). A Notice to File Missing Parts of Nonprovisional Application was mailed February 4, 2002 to Lyon & Lyon L.L.P. The response was filed September 3, 2002 and included the Power of

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Inventors: Smith, et al.  
Application No.: 066742-0015  
Filed: January 3, 2002

Attorney designating the firm of Campbell & Flores as the attorneys of record (Attachment A). Successive documents were filed in this application by the firm of Campbell & Flores. On March 1, 2003 the firm of Campbell & Flores merged with the firm of McDermott Will & Emery, but the mailing address remained unchanged.

As can be seen in the table below, documents were returned to the USPTO on June 16, 2004 and on January 21, 2005 as undelivered. On February 1, 2005, a Notice of Change of Address was placed in the File Wrapper due to EBC Customer Number update. The following table lists the file history from PAIR for the above-identified application:

USPTO Mail Room Date	Document Description
04-13-2005	<u>Miscellaneous Action with SSP</u>
02-01-2005	<u>Notice of Change of Address placed in File Wrapper due to EBC Customer Number update</u>
01-21-2005	<u>Mail returned to USPTO as undelivered</u>
12-30-2004	<u>Abandonment</u>
06-16-2004	<u>Mail returned to USPTO as undelivered</u>
06-07-2004	<u>Requirement for Restriction/Election</u>
09-10-2003	<u>Information Disclosure Statement (IDS) Filed</u>
09-10-2003	<u>NPL Documents</u>
09-10-2003	<u>NPL Documents</u>
09-10-2003	<u>NPL Documents</u>
01-07-2003	<u>Request for Corrected Filing Receipt</u>
11-04-2002	<u>Information Disclosure Statement (IDS) Filed</u>
11-04-2002	<u>NPL Documents</u>

Inventors: Smith, et al.  
Application No.: 066742-0015  
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USPTO Mail Room Date	Document Description
11-04-2002	<u>NPL_Documents</u>
11-04-2002	<u>NPL_Documents</u>
11-04-2002	<u>NPL_Documents</u>
09-03-2002	<u>Transmittal letter</u>
09-03-2002	<u>Drawings</u>
09-03-2002	<u>Oath or Declaration filed</u>
09-03-2002	<u>Miscellaneous Incoming Letter</u>
09-03-2002	<u>Extension of Time</u>
09-03-2002	<u>Miscellaneous Incoming Letter</u>
09-03-2002	<u>Oath or Declaration filed</u>
09-03-2002	<u>Drawings</u>
09-03-2002	<u>Power of Attorney (may include Associate POA)</u>
02-04-2002	<u>Miscellaneous Action with SSP</u>
01-03-2002	<u>Transmittal letter</u>
01-03-2002	<u>Specification</u>
01-03-2002	<u>Claims</u>
01-03-2002	<u>Abstract</u>
01-03-2002	<u>Drawings</u>
01-03-2002	<u>Claims Worksheet (PTO-2022)</u>
01-03-2002	<u>Fee Worksheet (PTO-875)</u>
01-03-2002	<u>Transmittal letter</u>
01-03-2002	<u>Specification</u>
01-03-2002	<u>Claims</u>
01-03-2002	<u>Abstract</u>
01-03-2002	<u>Drawings</u>

Inventors: Smith, et al.  
Application No.: 066742-0015  
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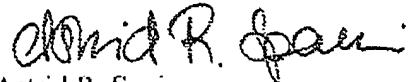
Applicant respectfully petitions for withdrawal of the Notice of Abandonment, and authorizes the required petition fee of \$750.00 (small entity) to be charged to Deposit Account No. 502624.

Revival of the application, entry of the Applicant's Response to the Restriction Requirement dated June 4, 2004, filed concurrently herewith, and consideration on the merits are respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Astrid R. Spain  
Registration No. 47,956

4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122  
Phone: 858.535.9001 ARS:emw  
Facsimile: 858.597.1585  
Date: April 28, 2006

Please recognize our Customer No. 41552  
as our correspondence address.

SDO 41552 1 066742-0015

Inventors: Smith, et al.  
Application No.: 066742-0015  
Filed: January 3, 2002

## ATTACHMENT A

Attachment A

In response to Notice to File Missing Parts mailed February 4, 2002,  
please acknowledge receipt of the accompanying:

- Copy of Notice to File Missing Parts
- Executed Declaration & Two Executed Powers of Attorney
- Two Recordation Form Cover Sheets and two executed Assignments
- Two Executed Statement Under 37 CFR 3.73(b)(b) w/copy of executed Assignment

- Two Executed Small Entity Statements
- Sixteen Sheets of Substitute Drawings
- Transmittal form (in duplicate)
- Petition for Five-month Extension of Time (in duplicate)

Applicant's Name Smith and Cruikshank  
 Serial Number 10/038,509 Filing Date January 3, 2002  
 Examiner's Name Not Yet Known Group Art Unit 1644  
 Title DIAGNOSIS AND THERAPY OF ANTIBODY-MEDIATED INFLAMMATORY AUTOIMMUNE DISORDERS

- Fee \$ 1495.00 Enclosed  Check No.: 029392
- Certificate of Express Mailing No.: EV 065744918 US
- Date Mailed: September 3, 2002 Date Due: September 4, 2002
- Our Docket No.: P-HR 5214
- Client HARBOR UCLA RESEARCH
- Attorney/Secretary ARG/cjh

Place your receiving date stamp hereon and return this card  
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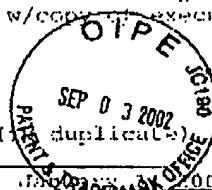
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- Client HARBOR UCLA RESEARCH
- Attorney/Secretary ARG/cjh

Place your receiving date stamp hereon and return this card.  
 FORM UA Amend/Resp



Document: An executed Power of Attorney for Patent Application by Assignee  
Attorney Docket No: P-HR 5214

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Erik Mument  
Printed Name of Person Mailing Paper or Fee

Erik Mument  
Signature of Person Mailing Paper or Fee

POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee TRUSTEES OF BOSTON UNIVERSITY is a joint owner of the entire right, title and interest of U.S. Patent Application Serial No. 10/038,509, filed on January 3, 2002, as attorney docket number P-HR 5214, and entitled DIAGNOSIS AND THERAPY OF ANTIBODY-MEDIATED INFLAMMATORY AUTOIMMUNE DISORDERS, and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

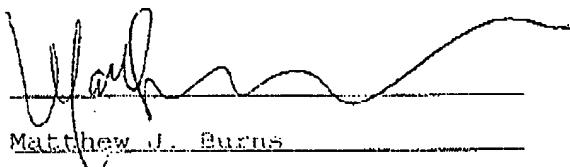
CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. PAN, Registration No. 38,444; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 31,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; ASTRID R. SPAIN, Registration No. 47,956; KIMBERLY J. PRIOR, Registration No. 41,483; JOHN T. MURPHY, Registration No. 50,583; and PAMELA M. GUY, Registration No. 51,228.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601

Inventors: Smith and Cruikshank  
Serial No.: 10/038,509  
Filed: January 3, 2002  
Page 2

The undersigned is authorized to sign on behalf of the Assignee.

Signature: 

Name (typed): Matthew J. Burns

Title: Assistant Treasurer

Assignee: TRUSTEES OF BOSTON UNIVERSITY

Date: 8/28/02

MATTHEW J. BURNS  
ASSISTANT TREASURER  
BOSTON UNIVERSITY

Document: An executed Power of  
Attorney for Patent Application by  
Assignee  
Attorney Docket No: P-HR 5214

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Erik Mumenth  
Printed Name of Person Mailing Paper or Fee

Erik Mumenth  
Signature of Person Mailing Paper or Fee

POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee HARBOR-UCLA RESEARCH AND EDUCATION INSTITUTE is a joint owner of the entire right, title and interest of U.S. Patent Application Serial No. 10/038,509, filed on January 3, 2002, as attorney docket number P-HR 5214, and entitled DIAGNOSIS AND THERAPY OF ANTIBODY-MEDIATED INFLAMMATORY AUTOIMMUNE DISORDERS, and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; MELANIE K. WEBSTER, Registration No. 45,201; ASTRID R. SPAIN, Registration No. 47,956; KIMBERLY J. PRIOR, Registration No. 41,483; JOHN P. MURPHY, Registration No. 50,583; and PAMELA M. GUY, Registration No. 51,228.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL,  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601

Inventors: Smith and Cruikshank  
Serial No.: 10/038,509  
Filed: January 3, 2002  
Page 2

The undersigned is authorized to sign on behalf of the  
Assignee.

Signature: Kenneth P. Trevett

Name (typed): Kenneth P. Trevett, J.D.

Title: President/CEO

Assignee: HARBOR-UCLA RESEARCH AND EDUCATION INSTITUTE

Date: June 12, 2002

# McDermott Will&Emery

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<i>Sent By:</i>	Cindy McClure	<i>Direct Phone:</i>	(858) 643-1432
<i>Client/Matter/Tkpr:</i>	066742-0015	<i>Original to Follow by Mail:</i>	No
		<i>Number of Pages, Including Cover:</i>	14

**Re:** Petition Withdrawal of Holding of Abandonment

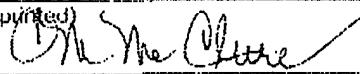
### Message:

Enclosed please find the following documents:

- (1) Petition Withdrawal of Holding of Abandonment (12 pages);
- (2) Transmittal/fee sheet (1 page)

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I hereby certify that this correspondence is being facsimile transmitted (Facsimile No. 1-571-273-8300) to the U.S. Patent and Trademark Office on April 28, 2006.

C. M. McClure  
 Name (printed)   
 Signature

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U.S. practice conducted through McDermott Will & Emery LLP.  
 4370 La Jolla Village Drive Suite 700 San Diego, California 92122-1252 Telephone: 858.535.9001

PAGE 1/14 \* RCVD AT 4/28/2006 4:52:13 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/36 \* DNIS:2738300 \* CSID:858 597 1585 \* DURATION (mm:ss):03:08

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PATENT

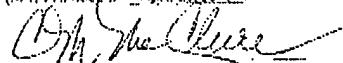
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Smith, Terry J., et al.  
 Appl. No. : 10/038,509  
 Filed : January 03, 2002  
 Title : A NOVEL THERAPY FOR ANTIBODY  
           MEDIATED INFLAMMATORY AUTO  
           IMMUNE DISORDERS

Grp./A.U. : 1644  
 Examiner: Patrick NOLAN

Customer No.: 41552  
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C. M. McClure

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Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is Petition in the above-identified application.

- No additional fee is required.  
 Applicant is entitled to small entity status under 37 CFR 1.27  
 Also attached:

The fee has been calculated as shown below:

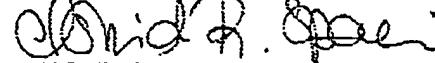
	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEES
Total Claims	8	20	0	\$25.00 =	\$0.00
Independent Claims	1	3	0	\$100.00 =	\$0.00
Multiple dependent claims newly presented					\$0.00
Fee for Petition Withdrawal or Holding of Abandonment					\$750.00
Total of Above Calculations					\$750.00

Please charge my Deposit Account No. 502624 in the amount of \$750.00.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 502624, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

McDERMOTT WILL &amp; EMERY LLP



Astrid R. Spain  
 Registration No. 47,956

4370 La Jolla Village Drive, Suite 700  
 San Diego, CA 92122  
 Phone: 858.535.9001 ARS:CMM  
 Facsimile: 858.597.1585  
 Date: April 28, 2006

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